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October 18, 2016

VIA ECF

Honorable Gary R. Brown
United States Magistrate Judge
United States District Court
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

Re: *Deborah Ramey and Robert Kaible, individually and on behalf of all others similarly situated v. U.S. Forensic, LLC, Gary L. Bell, Michael P. Garove, Harry George Hernemar, Wright National Flood Insurance Company, Colonial Claims Corporation and David Maxime*
Case No. 2:14-cv-06861-JMA-AKT

Dear Judge Brown:

This firm represents defendant Colonial Claims Corporation ("Colonial") in this action. In accordance with this Court's October 10, 2016 order directing the parties to provide a status report I am writing to advise the Court that defendants filed motions to dismiss the complaint in January 2015. *See* Docket Nos. 36, 39, 43. On April 4, 2015 the Court stayed the action. *See* Docket Nos. 48, 49, 51. To date, plaintiffs have not submitted any opposition to the motions to dismiss.

Since Colonial briefed the motion additional judges in this District have held that plaintiffs' claim under the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §1961, et seq. is preempted by the National Flood Insurance Act of 1968, 42 U.S.C. § 4071, et seq. *See Poretsky v. HiRise Engineering, P.C., et al.*, No. 15-CV-4012 (JFB)(AYS), 2016 WL 5678880 (Sept. 30, 2016); *Melanson v. U.S. Forensic, LLC, et al.*, No. 15-CV-4016, (ADS)(GRB), 2016 WL 1729493 (Apr. 30, 2016).

Thank you for the Court's consideration in this matter.

Sincerely,

Davis Wright Tremaine LLP

/s Sharon L. Schneier

Sharon L. Schneier

cc: All counsel of record (Via ECF)